IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

CRP.No. 228 of 2007()

OPELE.120/1995 of DISTRICT COURT, PALAKKAD

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REVN. PETITIONER: RESPONDENT

POWER GRID CORPORATION OF INDIA LTD.,
CORPORATION CENTER, 10TH FLOOR,
HEMKUNT CHAMBERS,89, NEHRU PLACE,
NEW DELHI-110019
REPRESENTED BY ITS CHEIF MANAGER,
A.CHOCKALINGAM.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS: ADDL.PETITIONER

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1. SUNDARI @ DEVAKI, W/O VENUGOPALAN,
RESIDING AT VISWA VIHAR, VANDAZHI VILLAGE,
ALATHUR TALUK, PALAKKAD DISTRICT.

2. SHEELA, D/O VENUGOPALAN,
RESIDING AT VISWA VIHAR,
VANDAZHI VILLAGE, ALATHUR TALUK,
PALAKKAD DISTRICT.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P. NO. 228 OF 2007

Dated this the 10th day of December, 2007

ORDER

This revision petition is preferred against the award of the District Judge, Palakkad in O.P.(Elect.) 120/1995 whereby the District Judge has awarded an enhanced compensation of Rs.1,12,156/-. Respondents are served in the matter and they have not entered appearance. Learned counsel for the revision petitioner has drawn my attention to Para. 12 of the award whereby the court below has fixed the annuity return factor as 5%. Learned counsel contends that in the light of the decision rendered in **K.S.E.B. v. Livisha [2007 (3) KLT 1]** each case has to be decided on the facts and circumstances involved therein. The Apex court held as follows:

> "*The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used. So far as the compensation in relation to fruit bearing trees are concerned the same*

would also depend upon the facts and circumstances of each case."

2. In the light of the enunciated principles referred to above, it appears that the matter requires fresh consideration for which additional documentary or oral evidence may be necessary. Therefore the order under challenge is set aside and the matter is remitted back to the court below for fresh consideration, after affording equal opportunities to both sides to adduce evidence in support of their respective contentions and dispose of the same in accordance with the principles laid down in **K.S.E.B. v. Livisha** [2007 (3) KLT 1].

Parties are directed to appear before the court below on 21.1.08.

M.N.KRISHNAN, JUDGE

vps